

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARIUS MOSS,

Defendant.

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CASE NO. 8:95CR170

ORDER

This matter is before the Court on the Defendant's motion to withdraw his petition for a writ of audita querela (Filing No. 238).

The Defendant filed a pleading entitled a petition for writ of audita querela, which has been characterized as a motion for a reduction of sentence due to Amendment 706 regarding crack cocaine. (Filing No. 233.) The Defendant asks that the Court withdraw his request for a writ inasmuch as the motion has been characterized for a reduction in his sentence. (Filing No. 238.)

IT IS ORDERED:

1. The Defendant's motion to withdraw his petition for a writ of audita querela (Filing No. 238) is granted;
2. The motion (Filing No. 233) shall remain on the docket as a pending motion for reduction of sentence pursuant to crack cocaine Amendment 706; and
3. Part 2 of the motion regarding a request for a writ shall be removed as a pending matter.

DATED this 28th day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge